



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NEW YORK 10007-1866

January 21, 2009

**BY ELECTRONIC MAIL AND REGULAR MAIL**

Mr. Benn Lewis  
Vice President  
Airtek Environmental Corp.  
39 West 38 Street, 12th Floor  
New York, N.Y. 10018

Re: Comments on October 2008 Draft "Deconstruction Phase" documents  
for Fiterman Hall at 30 West Broadway, New York, NY

Dear Mr. Lewis:

The United States Environmental Protection Agency (EPA) has reviewed the October 2008 draft "Deconstruction Phase" documents submitted by letter dated October 27, 2008 by Airtek Environmental Corp. (Airtek) on behalf of the Dormitory Authority of the State of New York (DASNY) and the City University of New York (CUNY) in order to understand and evaluate the procedures for the "Deconstruction Phase" for Fiterman Hall. EPA consulted with the New York State Department of Labor (NYSDOL) and the New York City Department of Environmental Protection (NYCDEP) about these documents.

EPA's review of the draft "Deconstruction Phase" documents focused on containment measures to control potential releases of contaminants, proper procedures for air monitoring, and waste disposal. NYSDOL and NYCDEP based their reviews on the regulations related to performance of an asbestos project. The comments from EPA, NYSDOL, and NYCDEP are provided as attachments to this letter.

EPA's review of the draft "Deconstruction Phase" documents is not intended as a review of any structural engineering and safety matters or requirements for the protection of worker safety and health or for fire protection and safety at Fiterman Hall. EPA is relying on the expertise of the New York City Department of Building (NYCDOB), the U.S. Department of Labor Occupational Safety and Health Administration (OSHA), and the New York City Fire Department (FDNY) in these areas, respectively.

The regulators reserve the right to modify the attached comments and/or make additional comments about the proposed work if new information becomes available or information, currently known and considered, is changed in whole or in part during the review process for the "Deconstruction Phase" documents and during the "remediation and deconstruction" phases of the project. In the event that the plans for the "remediation and deconstruction" have to be supplemented or modified as the project proceeds, the regulators will review and may provide additional comments after we review the supplementary information and documents submitted on behalf of DASNY/CUNY.

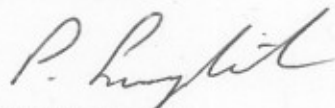
The following draft "Deconstruction Phase" documents were reviewed by EPA in order to understand and evaluate the procedures for the "Deconstruction Phase":

- Regulatory Submittal Part I(D) – Deconstruction Operation Work Plan, dated October 27, 2008
- Regulatory Submittal Part IV(D) – Deconstruction Phase Waste Sampling and Management Plan, dated October 27, 2008, and
- Regulatory Submittal Part III(D) – Deconstruction Health and Safety Plan (HASP), dated October 27, 2008

To explain the proposed revisions and understand your responses to our attached comments, EPA requests that DASNY/CUNY provide the regulators with a separate response to each of the attached comments that states: (1) whether the comment has been incorporated into the revised draft "Deconstruction Phase" documents; (2) if a comment has not been incorporated, the reason it was not incorporated; and, (3) any additional information that explains DASNY/CUNY's response to the attached comments. Your response to the attached comments will facilitate the regulators' review process.

After DASNY/CUNY and its consultants have an opportunity to review the attached comments, please let me know if you would like to discuss them during a teleconference or meeting. We look forward to your response to our comments prior to the commencement of any "Deconstruction Phase" work. If you have any questions please contact Mr. Emmet Keveney of my staff at (212) 637-3459.

Sincerely,



Pat Evangelista  
WTC Coordinator  
New York City Response and Recovery Operations

#### Attachments

cc: Richard Mendelson, OSHA w/attachs.  
Suzanne Mattei, NYSDEC w/attachs.

Chris Alonge, NYSDOL w/attachs.  
Krish Radhakrishnan, NYCDEP w/attachs.  
Robert Iulo, NYCDOB w/attachs.  
Mike Weinlein, FDNY, w/attachs.  
Richard Dalessio, DASNY w/attachs.  
Max Pizer, CUNY w/attachs.  
Aric Domozić, PAL w/attachs.

**Regulatory Submittal Part I (D)**  
**Deconstruction Operation Work Plan**  
**Fiterman Hall – 30 West Broadway**  
**New York, NY**  
**Dated October 27, 2008**

Section 3.2 NYS DOL Notification; Section 3.4 NYC DEP Notification; and  
Section 3.5 USEPA Notification

1. Airtek's response to comment number three from EPA's July 31, 2008 comment letter indicates that revised notifications were included in the attachments to the Deconstruction Operation Work Plan. However, it does not appear that the notifications were updated. As was previously noted, the various notifications should be reviewed and updated as necessary to ensure that all relevant information is consistent between all three notifications. Please find below a few areas where there may be inconsistencies between the notifications that should be reviewed by the building's owner to determine if the information should be updated: work shift days and times, start and end dates for the scaffold erection and remediation and deconstruction activities, and the total approximate quantities of ACM specified (see comment below under "Attachment VIII Asbestos Survey Table"). Please be cognizant that the examples provided above are not all encompassing. Please provide a complete update for all of the notifications.

Section 7.7 Removal of Perimeter Columns and Spandrel Beams (Incl. ACM Abatement)

2. This section has been revised to address a situation if ACM mastic is present at the column connection points with the spandrel beams. The revised section indicates that the columns will be torch cut in an area above and/or below the connection points to detach the spandrel beam and a portion of the impacted columns without disturbing the ACM mastic. However, this section should also clarify the procedures that will then be taken for the detached spandrel beam and the portion of the impacted column(s) at the connection point that have the ACM mastic.

3. The fourth paragraph has an incoherent sentence: "One method or the other may be used or some combination of the two methods may be used based." Please revise the sentence.

#### Attachment VIII Asbestos Survey Table

4. The asbestos survey table was revised to clarify that the following items were also abated during the remediation phase: fiber glass materials on perimeter walls, felt materials on perimeter walls, flashing mastic on beams, and black cloth material on beams. However, in addition to clarifying that the aforementioned items were abated during the remediation phase other items were also revised in the table since the previous version.

- a. For instance, reference to 6,950 square feet (SF) of ACM roof membrane from the 14<sup>th</sup> floor roof that the April 2008 version of the table states was abated during the remediation phase was removed from the revised October 2008 version of the asbestos survey table. The Remediation Work Plan states that asbestos containing roof membrane was on the north side of the fourteenth floor set back roof and would be abated during the remediation of the roof levels during the remediation phase. Please clarify why this was removed from the asbestos survey table and if this area did or did not contain an ACM roof membrane that would have to be abated during the remediation phase.
- b. The revised total approximate quantities of ACM now specified in the revised October 2008 version of the asbestos survey table do not coincide with the quantities specified in the NYSDOL Notification, NYCDEP Notification, and the USEPA Notification included in Attachments I, III, and IV. The various notifications should be reviewed, and updated as necessary, to ensure that all relevant information is consistent between the notifications and the asbestos survey table.
- c. The "Notes/Specification Location" column of the revised October 2008 version of the asbestos survey table has been revised to identify those materials abated during the remediation phase as opposed to denoting "Abated" in the "Proposed Work" column of the table. However, the April 2008 version of the table also included the specific location of those materials abated during the remediation phase and those locations have been removed in the revised October 2008 version of the table. It is recommended that the "Notes/Specification Location" column be revised to reincorporate that relevant information as well.



**Regulatory Submittal Part IV (D)**  
**Deconstruction Phase**  
**Waste Sampling and Management Plan**  
**Fiterman Hall – 30 West Broadway**  
**New York, NY**  
**Dated October 27, 2008**

Section 2.0 Primary Material Categories; Section 4.0 Sampling Frequencies; and Section 6.0 Waste Packaging and Storage

1. The Deconstruction Phase Waste Sampling and Management Plan (Deconstruction WSMP) should be revised to reincorporate reference to “bagged roof ballast” since the final New York State Department of Labor (NYSDOL) accepted variance re-opening #12 states that sealed bags of roof ballast will remain on the roof until clearance of the remediation phase is complete and the deconstruction operation begins.

Section 2.2 WTC-Dust Contaminated Building Components:

2. Section 5.1 of the Deconstruction Operation Work Plan was revised to include a list of items that were sealed in poly during the remediation phase to be removed as asbestos waste, at a minimum or in accordance with any waste characterization results, during the deconstruction phase. This list states that three tanks in the basement will be removed sealed in poly during the deconstruction phase and were not previously mentioned. Please revise Section 2.2 of the Deconstruction WSMP to identify these newly identified waste streams. Please clarify if the contents of these newly identified tanks were emptied during the remediation phase and how the contents were characterized, managed, transported, and disposed. If not, please clarify in the Deconstruction WSMP the procedures for unsealing the poly surrounding these tanks to characterize, manage, store, transport, and dispose the contents of these tanks during the deconstruction phase or provide clarity on if the final disposal facility is accepting the tanks with the contents intact within them. In addition, please clarify if other pieces of equipment identified in this section were drained of fluids/contents during the remediation phase and how the contents were characterized, managed, transported, and disposed. If not, please clarify in the Deconstruction WSMP the procedures for unsealing the poly surrounding these items to characterize, manage, store, transport, and dispose the contents of these items during the deconstruction phase or provide clarity on if the final disposal facility is accepting these items with the contents intact within them. This comment also applies to those pieces of heavy equipment decontaminated during the remediation phase (see comment below).

### Section 2.3 Conventional Deconstruction Waste and Section 4.4 Heavy Equipment

3. Section 7.2 of the Deconstruction Operation Work Plan provides procedures for the removal of heavy machinery and equipment such as elevator motors, tanks, switch gear equipment and dunnage during the deconstruction phase that were decontaminated during the remediation phase as opposed to being sealed in poly to be removed as asbestos waste, at a minimum or in accordance with any waste characterization results, during the deconstruction phase. Consequently, Section 2.3 of the Deconstruction WSMP should be revised to include these items cleaned during the remediation phase. In addition, Section 4.4 of the Deconstruction Operation Work Plan implies that all heavy equipment is considered asbestos waste which appears to contradict with Section 7.2 of the Deconstruction Operation Work Plan. Please revise the Deconstruction WSMP to address this contradiction.

### Section 4.2 WTC Dust-contaminated Building Components

4. Airtek's response to comment number four from EPA's July 31, 2008 comment letter on the Deconstruction WSMP does not fully address the comment. The comment requested that Airtek clarify the results of any previous sampling that was conducted on this waste stream. For instance, the conclusions drawn from the previous sampling of the dust as noted in Section 4.3 should also be noted in Section 4.2. In addition, please clarify if hazardous waste and/or toxic substances characteristic sampling has previously been conducted to ensure that the waste stream can be disposed as assumed ACM waste and not in accordance with any previous waste characterization results (e.g., fluid content of motors, heavy equipment, etc.). If such sampling has been conducted, or any other characterization sampling has been conducted, the conclusions drawn from that sampling should be discussed in this section.

### Section 4.3 Conventional Deconstruction Waste

5. Further clarity should be provided to the revised language specified in the first paragraph of this section with regard to the reference to the WTC dust since no WTC dust should be remaining on any items identified as "conventional deconstruction waste" in Section 2.3 of the Deconstruction WSMP once appropriately cleaned during the Remediation Phase.

### Section 6.1 Asbestos-containing Materials Waste

6. Comment number twelve from EPA's July 31, 2008 comment letter was as follows: "This section states that waste containing asbestos will be stored in a lockable six-walled ACM waste container in the Greenwich Street lane closure. However, this statement conflicts with the drawing specified in Attachment C (Waste Loading/Storage Areas – Logistics Plan) of the Deconstruction WSMP which notes three container storage areas: one in the Greenwich Street lane closure and two on West Broadway. Please clarify where this waste stream and any other waste streams generated on-site will be stored and revise the Deconstruction WSMP and/or Attachment C as necessary. This comment also

applies to the Deconstruction Operation Work Plan and/or its Attachment V (Deconstruction Operation Logistics Plan).”

Airtek’s response to comments states that Section 6.1 had been edited to state that there would be ACM storage in both the Greenwich Street lane closure and the West Broadway lane closure. However, the revisions noted in Airtek’s response to comments were not included in Section 6.1 of the Deconstruction WSMP. Accordingly, please revise all relevant portions of the Deconstruction WSMP.

#### Section 9.0 Disposal Facilities

7. The asbestos waste transporters are still not identified in this section. Only the disposal facility is identified. Please revise this section to incorporate this information.